

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**RECEIVED****DEC 29 1993**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of the Commission's	)	GEN Docket No. 90-314
Rules to Establish New Personal	)	
Communications Services	)	RM-7140, RM-7175, RM-7618

**COMMENTS OF THE  
NATIONAL EMERGENCY NUMBER ASSOCIATION**

The National Emergency Number Association ("NENA") hereby comments on several of the numerous petitions for reconsideration of the Commission's Second Report and Order ("Order") in the above-captioned proceeding, FCC 93-451, released October 22, 1993.<sup>1</sup> In particular, NENA supports the petition of the Texas Advisory Commission on State Emergency Communications ("TX-ACSEC") -- joined by 11 other states -- asking that the FCC either:

(1) upon reconsideration, "establish substantive technical and operational requirements pertaining to 9-1-1 interconnection and location information delivery for PCS licensees," or

(2) "promptly institute" the further proceeding contemplated at ¶139 of the Order to "address E-911 and related issues with regard to PCS, cellular, and any other relevant mobile service."<sup>2</sup>

<sup>1</sup> Notice of receipt of the multiple petitions was published at 58 Fed.Reg.65595-96, December 15, 1993.

<sup>2</sup> Petition, 2. The states supporting TX-ACSEC, through their respective 9-1-1 program authorities, are California, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, Oregon, South Dakota, Vermont and Washington.

### *Interest of NENA*

Established in 1982 as a not-for-profit corporation, NENA's mission is to foster the technological advancement, availability and implementation of a universal emergency telephone number system. It conducts and promotes research, planning, education and training toward the goals of protecting lives and property and maintaining general community security. NENA has more than 3500 individual members and chapters in 29 states.

In both comments and personal visits in Docket 90-314, individually and jointly with the Association of Public-Safety Communications Officials-International, Inc. ("APCO"), NENA has urged that "PCS licensees must make provisions for enhanced 9-1-1 service with the same features and functionality as provided by wired telephone services." The views of both NENA and APCO were cited in the Order's statement: "We are particularly concerned that unless an E-911 capability is designed into PCS systems, dialing 911 from a PCS telephone will not be equivalent to dialing 911 from a traditional wired telephone." (§139)<sup>3</sup>

NENA emphatically shares the Commission's urging that interested and affected parties "address this issue while equipment is still in the design stage." The most rapid approach to the problem would be on reconsideration here. If, however, the Commission continues to believe that the record thus far will not permit the agency "formally to require E-911 capability for PCS," *Id.*, then further proceedings to consider such a requirement should be opened immediately.

---

<sup>3</sup> Conventional 9-1-1 service connects the party dialing those digits to a Public Service Answering Point ("PSAP") where determining the location of the caller and the nature of the emergency depends on additional voice communication. "Enhanced" 9-1-1 service, or E-9-1-1, allows immediate and automatic identification of the address associated with the calling number, and may also supply a call-back number, nearest emergency response units and other pre-programmable information. These enhancements are not yet implemented when the calling telephone is mobile.

***The need for effective standards and for nationwide interoperability is increasingly acknowledged.***

In the Notice of Proposed Rule Making leading to the Order, 7 FCC Rcd 5676, 5728 (1992), the Commission expressed the tentative view that "it would be premature to propose that licensees provide certain basic PCS services," and added: "The licensee should have the flexibility to determine which PCS services are the most needed and to provide those services by the most advantageous technology."

In NENA's view, the demonstrated 9-1-1 capability to save lives and property and assist in the preservation of civil order is too "basic" to be left to the happenstance of commercial flexibility. In the words of TX-ACSEC, we must "ensure that lives are not put at risk by ill-considered or inconsistent technical standards and interconnection requirements for wireless systems and services." (Petition, 2)

TX-ACSEC therefore asks that PCS licenses be explicitly conditioned on "a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use." (Petition, 3) Otherwise, enormous investments in wireline emergency calling systems<sup>4</sup> will be undermined by the increasing prevalence of mobile communications devoid of these capabilities.

By the time of the Order, the FCC's earlier reluctance to impose regulatory fiat on the initial development of PCS had become serious exhortation of private efforts under public scrutiny:

---

<sup>4</sup> A 1992 survey by the Network Reliability Council, an FCC advisory committee, found that 76% of network access lines had E-9-1-1 service. *Network Reliability: A Report to the Nation* (Washington, D.C.: Network Reliability Council, 1993).

[W]e will closely monitor developments in standards-setting bodies and elsewhere regarding PCS and E-911. The health and safety of citizens, as well as the fullest commercial success of PCS, could be affected by whether PCS is E-911-capable. (§139)

Similarly concerned that such private efforts proceed quickly, TX-ACSEC suggests that the Commission here amend its rules "to impose a substantive requirement that a single uniform standard for delivery of the calling party's location be developed." (Petition, 3)

While not specifically addressed in a 9-1-1 context, there is support for a more active role by the FCC in standards-setting in the comments of the TIA Mobile and Personal Communications Division (Petition at 3-4), the government's National Communications System (Petition at 3), and Motorola (Petition at 3-5). NENA, however, shares TX-ACSEC's concern (Petition at 3, n.1) that the existing record not be stretched to reach 9-1-1 issues which, having emerged now, might not have been sufficiently announced or discussed a year ago.<sup>5</sup>

*The time for the "future"  
E-9-1-1 proceeding is now.*

The Order urges parties to address the mobile services E-9-1-1 issues while PCS equipment "is still in the design stage," but puts off to some indefinite future a further FCC proceeding on the issues. NENA suggests that a proceeding opened now would provide an incentive and a framework for private standards-setting activity.<sup>6</sup> Congress recently adopted, and the Commission implemented,

---

<sup>5</sup> Administrative law standards for notice-and-comment rulemaking and judicial review of its results are found respectively at 5 U.S.C. §§ 553 and 706.

<sup>6</sup> NENA is advised by knowledgeable industry sources that equipment designs could be well along or even complete by mid-1994.

“negotiated rulemaking” as one means of conducting industry discussions in search of preliminary regulatory consensus.<sup>7</sup>

There is no lack of specific technical information or of technological options to be considered in a rulemaking begun now. At meetings with the Chief Engineer in September, NENA and APCO representatives discussed global positioning satellite (GPS) and two other methods of “triangulation” by which a radio signal might be located as coming from an emergency caller. Tradeoffs in cost, effectiveness and speed of deployment could receive a prompt airing in a properly structured rulemaking. Therefore NENA endorses TX-ACSEC’s alternative request that the FCC immediately institute a proceeding to devise and impose a single uniform standard for delivery of location information intelligible to 9-1-1 systems by PCS and other mobile service providers.

### CONCLUSION

For the reasons discussed above, the Commission should assess the state of the record, including reconsideration petitions and comments, for support of a uniform requirement that mobile services providers deliver basic locational information about callers in a form intelligible to 9-1-1 systems. If further

---

<sup>7</sup> Negotiated Rulemaking Act, P.L.101-648, codified at 5 U.S.C. §§561-570, implemented by Policy Statement of the Commission, 6 FCC Rcd 5669 (1991). Long before this enactment, however, the Commission had made use of the work of private and independent standard-setting bodies, such as the National Electrical Safety Code, and had marshalled industry resources to keep up with changing technology, as in the ongoing Part 68 work groups on interconnection of terminal equipment to the public telephone network.

information is needed on the costs and benefits of adapting mobile services to 9-1-1 and E-9-1-1, a rulemaking focused on these issues should be opened now.

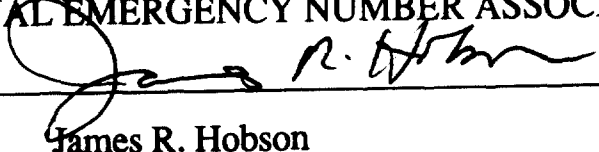
Respectfully submitted,

NATIONAL EMERGENCY NUMBER ASSOCIATION

By

William E. Stanton  
Executive Director  
P.O.Box 1190  
Coshocton, Ohio 43812-6190  
(614) 622-8911

December 29, 1993

  
James R. Hobson  
Donelan, Cleary, Wood & Maser, P.C.  
1275 K Street N.W., Suite 850  
Washington, D.C. 20005-4078  
(202) 371-9500

ITS ATTORNEY

*Certificate of Service*

I, Jacqueline A. Spence, hereby certify that I have caused to be hand-delivered or sent by first-class mail, postage prepaid, on the date shown, the foregoing Comments of the National Emergency Number Association, to the following:

W. Scott McCullough  
Assistant Attorney General  
State of Texas  
P.O. Box 12548  
Austin, TX 78711-2548

John D. Lane  
Robert M. Gurss  
Wilkes, Artis, Hedrick & Lane, Chartered  
1666 K Street N.W.  
Washington, D.C. 20006

Thomas P. Stanley  
Chief Engineer  
Room 7002, Mail Stop Code 1300  
FCC, 1919 M Street N.W.

BY HAND

  
\_\_\_\_\_  
Jacqueline A. Spence

December 29, 1993